

LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 2 March 2004
(*Afternoon*)

Session 2

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

6th Meeting 2004, Session 2

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

*Mr Andrew Welsh (Angus) (SNP)

COMMITTEE MEMBERS

*Dr Sylvia Jackson (Stirling) (Lab)

*Mr Bruce McFee (West of Scotland) (SNP)

*Michael McMahon (Hamilton North and Bellshill) (Lab)

*Paul Martin (Glasgow Springburn) (Lab)

*David Mundell (South of Scotland) (Con)

*Tommy Sheridan (Glasgow) (SSP)

*Iain Smith (North East Fife) (LD)

COMMITTEE SUBSTITUTES

Bill Butler (Glasgow Anniesland) (Lab)

Colin Fox (Lothians) (SSP)

Mr Kenny MacAskill (Lothians) (SNP)

Mr Brian Monteith (Mid Scotland and Fife) (Con)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Margo MacDonald (Lothians) (Ind)

THE FOLLOWING GAVE EVIDENCE:

Ann Hamilton (Glasgow City Council)

Hugh Henry (Deputy Minister for Justice)

Sandra Hood (Expert Group on Prostitution)

Sue Laughlin (Greater Glasgow NHS Board)

Mike McCarron (Routes Out Social Inclusion Partnership)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 3

Scottish Parliament

Local Government and Transport Committee

Tuesday 2 March 2004

(Afternoon)

[THE CONVENER *opened the meeting at 14:06*]

Items in Private

The Convener (Bristow Muldoon): I open the sixth meeting in 2004 of the Local Government and Transport Committee.

Before I welcome the Deputy Minister for Justice to the meeting, we will deal with agenda item 1. I propose that we take in private item 3, which is consideration of our draft report on the Local Governance (Scotland) Bill, and item 4, which is consideration of our approach to the budget process 2005-06 and which will include discussion of candidates for the post of adviser. Do members agree to take those two items in private?

Tommy Sheridan (Glasgow) (SSP): Can I have recorded my dissent in relation to taking in private item 3, but not item 4?

The Convener: Okay. With Tommy Sheridan's dissent recorded, is the proposal agreed to?

Members *indicated agreement.*

Prostitution Tolerance Zones (Scotland) Bill: Stage 1

14:07

The Convener: Item 2 is consideration of the Prostitution Tolerance Zones (Scotland) Bill at stage 1. I welcome to the committee Hugh Henry, the Deputy Minister for Justice, and Margo MacDonald MSP, the main sponsor of the bill. I am sure that you will be present during much of our deliberations in the forthcoming period, Margo.

Margo MacDonald (Lothians) (Ind): Thank you. I am sure that this is a lovely committee, convener.

The Convener: Thank you. I invite Hugh Henry to make introductory remarks on the bill before we move on to questions.

The Deputy Minister for Justice (Hugh Henry): Thank you, convener. Members will be aware that as a result of the former Local Government Committee's consideration last year of Margo MacDonald's Prostitution Tolerance Zones (Scotland) Bill, the Executive made a commitment to establish an expert group on prostitution to cover the legal, policing, health and social justice issues around prostitution in Scotland and to consider options for the future. The group's terms of reference are wider than simply the matter of tolerance zones. The committee will hear later from Sandra Hood, who has agreed with ministers to carry out action under the group's remit in stages. Stage 1 is an examination of the issues around street prostitution and the best way of making kerb-crawling an offence. The committee will also hear from Margo MacDonald on specific aspects of her bill.

I make it clear that although the Executive agrees that addressing the debate on the issue is a priority—hence the commitment to the expert group—we are not persuaded that a bill is necessarily the right way forward at this stage. We believe that, in consideration of a tolerance zone, it is right to have wider consideration of some of the social, health, policing and community aspects that relate to prostitution. I also think that it would be premature to come to a decision on a significant part of the expert group's deliberations before the group has had a chance to come to any conclusion.

We know that the whole question of prostitution is complex. There are strong arguments on a range of issues. Not everyone agrees on how it should be dealt with, whether there should be legislation, how the women should be supported

out of prostitution and so on. We know that significantly different approaches are taken in different parts of the country. However, the debate is essentially about women who are often vulnerable and exploited and who have other complex problems. We believe that having the group look at the wider range of issues is the way forward.

We do not yet have a view on the principle of tolerance zones. We will wait and see what the group concludes on tolerance zones and the wider issues. We will draw a conclusion once we have had the opportunity to hear what the group has to say. We are not, at this stage, giving an outright commitment to anything that the group might propose, but it is right that there should be careful consideration and deliberation. Although I recognise the fact that, when we come to make a decision, there will be no easy answer—our decision will find favour with some, but not with others—I think that the best way forward is to take a considered approach and to allow the group to carry out its work and feed back in. When we have more information and evidence, we can come to a conclusion not just on tolerance zones, but on the wider issues.

I applaud Margo MacDonald's determination and commitment to this issue. She has been working on it for a considerable time. However, the view of the Executive is that consideration of the bill is premature, ahead of the deliberations of the group.

Dr Sylvia Jackson (Stirling) (Lab): Both Iain Smith and I were members of the Local Government Committee, which discussed the issue in the previous session of Parliament. After the stage 1 debate, the expert group was established. You have just said that you consider that that was the right way in which to look at the wider issues. Can you elaborate a wee bit on what some of the wider issues might be? Might there be alternatives to legislation that would be more suitable or appropriate than legislation? Indeed, might there be something in addition to legislation?

Hugh Henry: I will answer your second question first. There is a wide range of issues, including health issues, the mood and attitude in communities, exploitation and drug-related issues. Certain powers are already available to local authorities and the police, and it is for them to interpret and apply those powers. Margo MacDonald has mentioned before the possibility of giving local government more powers and leaving it to local councils to determine whether they should apply those powers in a particular area.

We need to continue to provide some of the existing support services. However, it would be naive to suggest that the issue can be easily dealt

with; after all, it has been with us for a considerable time and manifests itself in different ways. For example, we know that there are significant concerns about the trafficking of human beings—mainly women, but sometimes males—for sexual exploitation.

I believe that the health service and local authorities could be doing a number of things that the police are doing at the moment. However, that is not to say that further legislation might not be required. We have an open mind on any conclusions in that respect.

It would probably be more appropriate for Sandra Hood to expand on the wider issues that the group is examining. I have already said that we have given the group a fairly wide remit and, as its work will not be finished quickly, we have asked it to consider reporting back in stages. Our priority is to consider how best to tackle street prostitution and in particular kerb-crawling, which is a significant problem in a number of communities.

14:15

The Convener: On that last point, I note that Sandra Hood has set out the stages of the expert group's work in her letter and that for its first stage it will indeed consider issues of street prostitution. From your comments, minister, am I right in thinking that the Executive intends to respond to the findings of that first stage without waiting for all the work to be completed? Obviously, that would depend on the recommendations themselves.

Hugh Henry: That is the point: what we do will depend on what emerges from that first stage. If the group identifies issues that we feel we can reasonably take forward and gives clear indications of potential options that will not impact on the later stages of the work, we might consider such an approach.

That said, I have one caveat. If we are talking about legislating, it would probably not make sense to consider legislating on prostitution with a succession of bills. Apart from anything else, we would find it considerably difficult to find legislative slots for such bills. However, issues might arise that would require and justify a very specific piece of legislation, which we would consider introducing if we believed that that was the best way forward. On the other hand, if we believed that there was a need for a delay in order to consider some of the wider issues that will be examined later in the process, we would have to reflect on that.

We also hope that issues that might arise during the first stage of the group's work might not require legislation. Indeed, Sylvia Jackson has already indicated that we could reasonably act on a number of questions that might be thrown up.

Tommy Sheridan: Following on from the convener's question, I wonder what your timescales are in that respect. When will you receive an initial report on street prostitution and when do you expect to receive the final report? Obviously, we can ask Sandra Hood the same question, but I would like to hear your views.

Hugh Henry: Clearly, the timescales are a matter for the group to work towards. However, we hope to see some conclusion of the first stage later this year, perhaps in the autumn. I hesitate to put too strict a timetable on that work. The group has been working very hard and has been taking evidence around the country. Given the complexity of the issue, I would rather that the group produced a thorough, rather than rushed, piece of work. We hope that the report of stage 1 of the work will be available later this year.

Tommy Sheridan: You referred to stage 1 of the group's work. Do you envisage that the Executive will respond to the group's stage 1 report, given that it is to concentrate on street prostitution, or will it wait until the full report is made available?

Hugh Henry: To some extent, that will depend on what the stage 1 report says. If clear issues are identified that would not be dependent on other considerations of the wider issue of prostitution, we might be in a position to act. We will make some response to the stage 1 report when it is published. Clearly, there will need to be a debate on what that report says.

The point that I was trying to make earlier is that if legislation were required, we would need to reflect carefully on whether to legislate in parcels or to introduce a more comprehensive piece of legislation that would cover some of the wider issues that relate to prostitution. I am reluctant to go into the matter in too much detail because we do not know at this stage whether legislation will be required or whether we will be prepared to legislate. Much will depend on the group's conclusions, on our interpretation of them and on the decisions that we make as a result.

Tommy Sheridan: Would you describe your position at the moment on behalf of the Executive as open minded as far as the bill's proposals are concerned? Is it possible that the Executive will support the general principles of the bill or is the Executive's position to oppose them at the moment?

Hugh Henry: We urge the committee to oppose Margo MacDonald's bill not because we have a view one way or the other on its principles but because we believe that now is not the best time for it to go forward, given that other work is on-going. At a later stage, we will reflect on what comes out of the work of the expert group. We will

consider the contribution that tolerance zones can make to the issue at the appropriate time. We are aware of the very strong opinions for and against tolerance zones—the issue is not easy. Having discussed the issue on a number of occasions with Margo MacDonald, I recognise that she sees the bill as enabling, not as forcing the issue. We do not have a view at the moment on any of the issues that the group is considering. We will give careful consideration to the issues at the appropriate time.

Tommy Sheridan: You say that, in the course of your discussions with Margo MacDonald, she said that she sees the bill as an enabling proposal, not as an enforcing one. Does the Executive accept that, if the bill were passed by the Parliament, it would not impose anything on anybody; it would simply allow local authorities an opportunity to decide what to do?

Hugh Henry: Margo MacDonald's view was well stated when the subject was last debated. Not a lot has changed since then, other than that a group has been set up, largely as a result of Margo MacDonald's work. She has always been of the view that her bill was an enabling proposal and I accept her interpretation that it does not force local authorities but empowers them. Notwithstanding that interpretation, what Margo MacDonald might describe as enabling legislation has considerable implications. There are issues around whether the bill gives some justification to the legalisation of prostitution.

We will make no comment on any of the issues at this stage. We believe that the work that is being carried out by Sandra Hood and her group could be invaluable in promoting a more careful and considered debate on the whole issue of prostitution.

The Convener: I will bring in David Mundell.

Tommy Sheridan: Excuse me, convener, but I am not satisfied with the minister's answer.

The Convener: I will let you ask one more question, Tommy.

Tommy Sheridan: I asked the minister what his position was and yet he spent quite some time telling me about Margo MacDonald's position. I know what her position is—we will question her later on it.

Do you accept that the bill is an enabling piece of legislation, minister? You also said that the bill has consequences. Will those consequences be imposed on local authorities, or do you believe that local authorities could decide whether to use powers under the bill, if it gets on to the statute book?

Hugh Henry: Whether or not local authorities decide to use those powers, there is a wider issue

about whether the legislation would then contribute to the legalisation of prostitution—irrespective of whether that is intended or unintended. We have no view at present on whether the creation of a tolerance zone is the best way to proceed. As I said before, significant issues are involved. The right time to have the debate is after the expert group reports back so that the matter can be considered as part of a wider debate on prostitution.

Our view is that giving a legal justification to prostitution through the creation of a tolerance zone would pre-empt the work of the expert group. I do not know whether the group will recommend the legalisation of prostitution or the criminalisation of those who use prostitutes. I have no idea whether the group believes that tolerance zones represent a good way forward. I do not want to do anything to prejudice a proper consideration of the work of the group.

David Mundell (South of Scotland) (Con): On that point, I want to confirm that you are not ruling anything in or out.

Hugh Henry: That is correct.

David Mundell: Since the bill was last considered, there has been only one significant new proposal, which is in relation to the consultation with community councils. Will you comment on that?

Hugh Henry: That proposal does not change our attitude in any way. We welcome the potential for consultation on what is a difficult issue that, in some communities, has a serious and significant impact. Sandra Hood's group will reflect on how one looks at the problems that prostitution brings to certain communities and how they are addressed. Consultation is welcome.

Margo MacDonald: I have some information on that last point. I thought originally that the amendment about the necessity to consult community councils was a small one, but I now believe that the matter is at the core of the bill. As the minister said, the bill is an enabling measure. The decision of the people in local communities about whether a council should use the enabling power should carry the most weight. Although Sandra Hood's group, of which I am a member, is considering the strategic approach to the matter, I admit that, in many respects, the bill simply attempts to put sticking plaster on a wound that is weeping.

I differentiate between the work of the expert group, which is much more strategic, and my work on the bill. I make it plain that I do not speak for the group; I speak on my own behalf about the bill.

The minister said that he did not want to proceed in a piecemeal fashion. Does he agree

that turning that approach on its head might be a useful exercise? Given that we do not have a strategic approach—it is unlikely that we will have one for some time—and that Aberdeen City Council and the City of Edinburgh Council have both said that they need immediate action to deal with problems that have been exacerbated since I introduced the bill, would there be anything wrong with taking a piecemeal approach if it was a limited one that sought simply to deal with an immediate problem?

14:30

Hugh Henry: One of the difficulties with that is that you would be asking us to give de facto legal recognition to prostitution and to treat prostitution as acceptable. That is a much bigger debate, as it would mean not simply setting up a tolerance zone but taking a more significant step forward. There are already differences, as you know, between what goes on in Glasgow and what goes on in Edinburgh. There are things that local authorities and the police can do within current competences in different areas, which do not necessarily involve giving legal recognition to prostitution. I would hesitate before we did anything that established in principle that it was legally acceptable to countenance prostitution, ahead of the group addressing some fundamental issues about the nature of prostitution and the way in which we need to deal with it.

Margo MacDonald: I will not pursue the question whether the bill would give a cloak of respectability or acceptability to prostitution; as we both know, that is not the aim. I think that our two opinions are unlikely to be reconciled—at this stage, anyway—but what immediate alternatives could be offered, either by the committee or by the Executive, to councils that have problems?

Let me give an example. The City of Edinburgh Council funded a project that was run by the Scottish prostitutes education project—SCOT-PEP—which dealt with young people who were either exploited or drawn into the sex industry for one reason or another. The money was earmarked specifically for work with young people to deter them; the project was obviously not designed to persuade them that prostitution was a good way to earn their money. The project was relatively successful for the women—as you may know, there is very low reporting of under-age women working in Edinburgh. SCOT-PEP does not claim all the credit for that, but there was certainly an acknowledgement that there had to be prevention, not just harm reduction.

I have the report that the City of Edinburgh Council produced in response to the annoyance that has been caused, to residents in Leith links in particular, since the ending of the unofficial non-

harassment or tolerance zone. In that report, the council admits quite openly that, if it adopts the short-term measure—the council itself says that the measure would be short term—of issuing antisocial behaviour orders, that will be done at a cost. The report states:

“The Council must therefore determine whether it wishes officers to seek to identify funding sources.”

The council will have the same problem as all local authorities have, which is prioritising.

Priority had been given to preventing young people from going into the sex industry. An agency was primed and experienced to deliver that service, which could be delivered because the agency knew where the young people were—there was a recognised geographical area. That has now finished. If the council goes to the other side of the equation and has to cope with the results of the ending of the tolerance zone—that is to say, the increased nuisance to people, which the council has a duty to address—it is likely that it will have to cut the funding for the young persons' project.

Hugh Henry: That needs to be considered in the wider context of local government funding. We provide funding to local authorities and health boards; we also provide money through social inclusion partnerships. I think that many members of this Parliament would be the first to tell us that we should not infringe on the notion of subsidiarity and that we should allow people to make appropriate decisions locally. I would hesitate to tell local authorities and other agencies exactly how they should spend their money, in relation to prostitution or anything else. We do not intend to legislate ahead of the wider consideration, as I said, but we allocate money in a range of ways.

Councils and their partners will need to make decisions about the allocation of funds, not just for the projects in question but for other projects; indeed, they do that already. The simple fact is that local government, the health service and many of the partner agencies are now funded in a way that they have never been funded in the past. More money is going in at local level than ever before, and it will be a matter for local authorities and others to decide whether they wish to fund one specific project or approach as opposed to another. It would not be right for us to try to order local authorities on how to use the funds that are allocated to them.

Margo MacDonald: I agree totally that the minister should not order the City of Edinburgh Council—the council would not comply anyway. However, the council says that it has been placed in an invidious position because it can no longer operate an informal tolerance zone. It needs the legal ability to reinstate that policy. Having such a

zone is not the whole answer to prostitution or the sex industry—no one pretends that it is—but it deals with a particular problem in Edinburgh and Aberdeen. I wonder what alternatives we are offering to those cities.

Hugh Henry: As far as the Executive is concerned, the alternative is that we have asked the expert group to look at some of the wider issues. I return to the point that I made before: tactically, it would be wrong to legislate ahead of the group publishing its work.

The Convener: I will bring in some other members, Margo, but if you want to get back in later I will let you do so.

Mr Andrew Welsh (Angus) (SNP): While we await the reports and the Executive's decisions, there is evidence of real and on-going problems in local communities. For example, with the demise of the unofficial zone in Edinburgh, there has been an increase in violence against prostitutes, an increase in child prostitution and an increase in drug abuse among prostitutes. We are told that the police have lost vital intelligence regarding other criminal activity that is associated with prostitution, as it has been dispersed across the city. Are you aware of that situation and that evidence? What comments do you have?

Hugh Henry: The Executive has been doing a number of things to address the issues of young runaways and child prostitution. We established a working group on young runaways and children who are abused through prostitution, which included representatives of agencies and voluntary organisations that are involved in service delivery. That working group published an interim report in December 2002.

In July 2003, we published national guidance on prevention and on the co-ordination of services for young runaways and children who are sexually exploited through prostitution. We are looking at ways to improve data collection on children who are abused through prostitution, and we intend to monitor and evaluate the development of local interagency protocols as part of a three-year child protection reform programme. We also introduced legislative changes on trafficking, to strengthen the law, through the Criminal Justice (Scotland) Act 2003, which was passed in the last session of Parliament.

A number of matters are on-going. The police have powers in relation to those who abuse children and further measures have been taken. If other measures need to be taken to protect children, we will take them, but that is a different issue from whether a tolerance zone is the best way forward. Even if we were to accept the argument for a prostitution tolerance zone, it would still be completely and utterly unacceptable for

under-age girls to be operating in such a zone. It would be morally and legally reprehensible if anyone was guilty of exploiting those under-age children. Whether or not we create a tolerance zone, I would still take the view that action needs to be taken against those who abuse children.

Mr Welsh: Agreed. The measures that you mention are welcome, but are they enough? The evidence seems to be that with the demise of the unofficial zone, there have been increases in the problems.

Hugh Henry: I repeat that, if that is the case, it needs to be dealt with separately. I would not want some of Margo MacDonald's principled arguments about tolerance zones to be diverted into a debate on the sexual exploitation and abuse of those who are under age, because they are two separate issues. Even if we accepted Margo MacDonald's arguments, that would still not excuse any such activity, which needs to be dealt with firmly.

Mr Welsh: You mentioned wider issues, which are clearly on your mind, and said that you have an open mind. However, Routes Out states that the present policy of harm reduction—as opposed to a comprehensive approach that goes beyond harm reduction—is inadequate and does not address the root cause of the problem. What is your general approach?

Hugh Henry: There are different views. Routes Out has a very clear view, but other organisations have different views. We have attempted to fund a range of support organisations in different cities to support women who wish to leave prostitution. For example, we have supported a number of initiatives that support women who have a drug problem and who, as a result, often engage in prostitution. In Glasgow, the time-out centre opened recently and, from dealing with one of my constituents in Paisley who was working as a prostitute in Glasgow, I know that there are also crisis centres. She has been able to use one of the centres in Glasgow to address her drug problem and to help her to get out of prostitution—she has now been accepted for residential rehabilitation.

We are funding a number of initiatives. I am sure that we could always do more and that people could always justify why they need more money, but the fact is that more money than ever before is going into such services. It is not necessarily reasonable to make the criticism that there is a lack of financial support. People could argue about the need for money. We are not complacent about the extent of the problem, but we do not seek to deal with the problem in only one way.

Iain Smith (North East Fife) (LD): I wonder whether part of the problem is the terminology and how people describe things, rather than some of the issues. For example, the minister mentioned

the question whether prostitution should be legalised, but prostitution per se is not actually illegal. That sort of terminology does not help the discussion.

The minister referred quite a bit to kerb-crawling, which is a term that is often used emotively. Our predecessor committee examined the issue when the bill was considered during the first parliamentary session and came to the conclusion that legislation on kerb-crawling should not be introduced in Scotland because it would not help the situation.

The use of emotive language does not help and, in that respect, the use of the phrase “prostitution tolerance zone” might not be helping. I think that Margo MacDonald is really talking about a prostitution safety zone, in the sense of a zone that is designed to reduce the problems of women being subjected to violence, of child prostitution and of drug abuse and to allow services to be implemented in an area that is perhaps safer.

If there is evidence from Edinburgh to indicate that there has been an increase in violence against women who are involved in the sex industry, that there has been an increase in child prostitution since the demise of the non-harassment zone—as I think it was officially called—and that the problem of drug taking among those people who are involved in the sex industry has grown, should we not be telling the City of Edinburgh Council that it should use existing powers to ensure that there is a safety zone, so that it can try to deal with some of those issues?

Hugh Henry: It would be a matter for the City of Edinburgh Council to determine whether it should use existing powers; it would not be for me to tell the council to use those powers. The conclusions that would be reached in Glasgow are very different from many of those that would be reached in Edinburgh. If the powers are available, as Iain Smith suggests, it would be for the relevant people at local level to use those powers. My point is that it would be premature to legislate ahead of the expert group's consideration. I do not know whether we might support such legislation at some point in the future; as I have said, we have an open mind on that.

Iain Smith: The Local Government Committee in the previous session wrestled with the issue of whether legislation was needed, or whether sufficient powers were already available to local authorities, health boards, the police and the Procurator Fiscal Service to deal with prostitution in the way that had been done in Edinburgh and was being done in Aberdeen and, to some extent, Glasgow; although there was not a tolerance zone as such in Glasgow, there was an area in which similar things were happening.

Has the Executive examined whether the bill is needed to provide the type of support that would reduce the risk that prostitutes face from exploitation, violence and drugs and to assist them in taking routes out of prostitution? The existing legislation allows local authorities to do that. Indeed, the legislative position has been enhanced since we last considered this matter by the introduction of the power of well-being, the powers of community planning and so on.

14:45

Hugh Henry: It would not be fair to say that we have reached a different conclusion. We are prepared to consider the matter as part of the wider investigation that is being conducted by the expert group and we will see what conclusion the group comes up with; I say that without prejudging whether we will accept or reject any of the group's recommendations. Beyond that, however, I do not think that anything has changed materially since Parliament last decided not to support the bill. The only change is that, largely as a result of Margo MacDonald's promptings, an expert group has been set up. We believe that that group should be given time to carry out its work.

Tommy Sheridan: I would like to examine further Iain Smith's point about the evidence that we have received regarding the demise of the non-harassment zone. Do you accept the evidence that we have received, which indicates that there is a causal link between that demise and the increase in violence against prostitutes, child prostitution and drug abuse among prostitutes?

Hugh Henry: I do not have a particular view on that. I do not know whether the evidence would show that if areas such as Glasgow, which has said that it would not have a tolerance zone, were taken into account. I have no doubt that there are complex issues to do with assault and that assaults in Edinburgh are related not only to the demise of the unofficial zone; I also accept that there are significant drug problems. Whether that zone contributed to a diminution in violence and drug taking and an improvement in health remains to be seen. I have no doubt that Sandra Hood's group will examine that carefully.

Tommy Sheridan: I want to press you on this point. The committee has received evidence that there were 11 attacks against prostitutes in the final year of the unofficial zone, 31 attacks in 2002 and 54 attacks in the first half of 2003. That increase is significant. Do you accept the evidence that we have received that indicates that there is a causal relationship between the demise of the zone and that increase, or do you think that those attacks would have taken place anyway?

Hugh Henry: I have no way of knowing. I accept that the evidence that has been presented to you suggests that there is a causal link, but I do not know whether that evidence is empirical or can be proved. I am not disputing the fact that that evidence has been given; I am saying that, where there is prostitution—not only in Edinburgh—there is also violence, drug taking and all sorts of associated problems. One of the things that it would be legitimate for Sandra Hood's group to consider is whether some of the evidence is robust enough to prove that point. I am sure that her group will consider whether it can make a contribution to the creation of a safer environment for those who are engaged in prostitution and for the wider communities. It is appropriate that the group be allowed to do that work.

Tommy Sheridan: You say that you do not dispute that there have been increased attacks, but that you are not in a position to accept that that increase is directly related to the demise of the non-harassment zone. If you were presented with empirical evidence that demonstrated that that was the case, would the Executive be in a position to say that, for the sake of the women's safety, it would support the bill?

Hugh Henry: Sandra Hood's group will examine that sort of evidence. When we receive that evidence, we will give it careful consideration.

Margo MacDonald: For the minister's information, I point out that the City of Edinburgh Council's report details the loss of advantage since the demise of the non-harassment or tolerance zone.

I wish that I had called the bill the non-harassment zone bill; the name of the bill came from the fact that the areas in question were always referred to as tolerance zones. People understood that term and had an idea of what a tolerance zone was. In fact, I wish I had called the bill Mary or something.

The council's report contains a list of what it must believe genuinely to be well-founded evidence regarding the loss of quality of life and so on for prostitutes and the people living in Leith. The council concludes:

"much of the advantage gained over the last eighteen years since the establishment of the original non-harassment zone ... has been lost."

I suggest, with all due respect, that there is strong evidence on the matter. We must take into consideration the City of Edinburgh Council's opinion and the other opinions that were expressed to this committee's predecessor committee and, in the press, by Deputy Chief Constable Tom Wood, who has commented on the fact that the police regret the loss of intelligence that used to come out of a recognised

zone. That facilitated better policing, which in turn minimised violence. There is evidence in that respect.

The Convener: The minister referred to the Executive's policies with regard to kerb-crawling. Does the Executive have a view on the approach to be adopted with regard to the broader matter of the increased criminalisation of those who use prostitution services?

Hugh Henry: There is a view that something needs to be done to minimise some of the problems that are associated with kerb-crawling. Iain Smith referred to the views of the Local Government Committee in the previous parliamentary session, and we have asked Sandra Hood to consider the issue. It is worth considering carefully the responsibilities of those who engage in kerb-crawling and other activities. We do not want simply to focus on the women. The expert group might share the previous Local Government Committee's views on kerb-crawling—I do not know what the group will conclude. In any case, we are committed to something more effective being done to minimise the impact that kerb-crawling is having on some communities. It has a serious and frightening effect.

The group has been considering evidence about whether it would be best to criminalise those who use prostitutes. It would be interesting to hear some of the international evidence on that. Iain Smith is absolutely right to say that prostitution is not illegal; however, prostitution has not been legalised. There is a fine difference between those two things. We hesitate on this at the moment, ahead of wider consideration of whether we should give a legal imprimatur on prostitution by whatever means, and while we are still considering the wider way of dealing with the matter. I do not know what Sandra Hood's group will come back with.

This is our opportunity to have a detailed and considered debate—not just in the Parliament, but beyond—about a problem that has been with us for a considerable time. The problem affects many communities, has a devastating effect on individuals and is associated with complex problems of drug taking, health and exploitation.

Michael McMahon (Hamilton North and Bellshill) (Lab): You mentioned international evidence. We have heard a lot of information today about experiences in Edinburgh, Aberdeen and Glasgow. Can you tell us about any international good practice that the Executive might be keen to investigate further?

Hugh Henry: We have asked the expert group to look into that, and I know that it has been examining some of the approaches that have been taken not just in the United Kingdom but in

Sweden, Holland, Germany and elsewhere. It is a matter for the expert group to set priorities based on the experiences that it believes should be taken into account and on any conclusions that may be drawn.

We are aware of a meeting that was held not that long ago in Edinburgh—I am trying to remember whether it was held by one of the justice committees—to which some people came across from Sweden. There are some fascinating lessons to be learned from such places. There are things for us to consider, but I do not pretend that there will be an easy conclusion to this debate.

The Convener: Are you leaning forward to ask another question, Margo?

Margo MacDonald: No. I was just assuring Michael McMahon that I have up-to-date information on Sweden.

The Convener: That brings us to the end of questions. I thank the minister for his attendance.

Our second witness today is Sandra Hood, who is the chair of the Scottish Executive expert group on prostitution. I invite her to make opening remarks to the committee.

Sandra Hood (Expert Group on Prostitution):

Good afternoon and thank you for inviting me to give evidence today. I will start by outlining the role of the expert group. As you know, the group was established by the Executive as a result of consideration in the previous session of the Prostitution Tolerance Zones (Scotland) Bill. I was invited to chair the group and was happy to accept the position. Although the group is independent of the Executive, its role is solely advisory. I am sure that the Executive will consider carefully our recommendations, but it will be for it to decide what action should be taken.

The group's remit, as we have heard, is to review the legal, policing, health and social justice issues around prostitution in Scotland and to consider options for the future. The group's membership reflects its remit in that we have members with expertise in all the relevant aspects of our work: health, social work, local government, the police, homelessness, the criminal justice system, the treatment of offenders, drug rehabilitation and research.

The group has met six times and has visited Edinburgh and Glasgow twice. We have also visited and met in Dundee and in Cornton Vale prison. We are scheduled to meet in Aberdeen at the end of March, by which time we will be better informed about the position in all our major cities. We are therefore still in the early stages of the deliberations.

Our first priority is street prostitution, including examination of the possibility of criminalising kerb-

crawling. There are several reasons for addressing street prostitution first. Those who are involved in street prostitution are obviously more visible. They are more vulnerable to violence and, invariably, they have serious drugs problems. Given that they work in public view, they are frequently the subject of complaints from people living and working in the area. However, there is not a clear divide between street prostitution and prostitution in indoor settings; we know that some prostitutes work both on the street and within premises. Indeed, all forms of prostitution can be linked. However, to address the problem realistically we need to break prostitution down into its various forms and related problems, which we have done. At subsequent stages we will, of course, examine other important issues, such as indoor prostitution, saunas, trafficking and male prostitution.

15:00

Although the group will receive evidence from a wide range of individuals and organisations, it was not considered feasible for working women in each of our major cities to address the group either individually or collectively. Nevertheless, we saw it as being essential that the views of the women should form part of the group's deliberations. It was therefore decided to commission a small study through the Scottish Executive Justice Department. The study will focus initially on obtaining the views of women who work on the streets and, if possible, women who work in saunas. The intention is to interview a small number of women in each of our four major cities. That work is being undertaken and should be completed by the end of March.

As you know, prostitution is a national and international problem. We will examine the situation in several English cities and European countries in order to find possible solutions. However, so far, we are not convinced that any country has a perfect answer. Each country has grappled with the same issues but they have come to different solutions. Some countries, such as the Netherlands, have opted for legalisation, whereas the United Kingdom and Ireland have opted for a regulatory approach and Sweden is the first country to criminalise demand. The social and cultural differences between our various countries make a universal solution impracticable.

We are still at the evidence-gathering stage of our work, and I may not be in a position to provide substantive responses to some of the questions that members may wish to ask today. We do, however, hope to draw provisional conclusions in the near future and to report on the first stage by the autumn.

Michael McMahon: Thank you for that informative introduction. You touched on the remit of the group. Having heard about all the things that you have had to do to put in train the work with which you were tasked, I wonder whether you believe that the remit was too wide. Should there have been more focus, or have you decided to narrow the focus to meet the deadlines to which the minister suggested you will be working? Is it possible for you to do all that is required by the remit?

Sandra Hood: We have broken down the remit into sections. At the first stage we identified street prostitution, for the reasons that I gave. We have a lot of expertise in the group and we are drawing on it. We will submit a report by the autumn that will detail our findings thus far. It was important to start with a specific aspect of our work; that is what we are focusing on.

Michael McMahon: Do you intend to make specific recommendations? Are you gathering information on behalf of the Executive to produce a detailed document or do you intend to arrive at conclusions?

Sandra Hood: It is the intention of the group to make recommendations at the end of each stage of our work.

Mr Welsh: Will that report be made public?

Sandra Hood: I shall submit the report to the Justice Department. It will be for the department to determine what to do with it from there.

Mr Welsh: So, the report is commissioned by the Executive and will go first to the Executive—it will not be a public document unless the Executive chooses to make it so.

Sandra Hood: I would be very surprised if it was not a public document, given the amount of attention that the topic has been given. My task is to submit the report on our findings.

Mr Welsh: Have you considered what recommendations your group might make? What options are under consideration? Have you ruled in or out any approaches?

Sandra Hood: Along with other members of the group, I approach the matter with an open mind. We are considering all the areas that I have outlined this afternoon. Following the evidence-gathering stage, we will analyse the information that we have gathered thus far and make some recommendations. However, at this stage, we have not ruled in or out any particular aspect.

Mr Welsh: Does that include legislation along the lines that are proposed in the bill? Is that an option that you will consider?

Sandra Hood: That has not been discussed.

Mr Welsh: Would you consider it as an option?

Sandra Hood: Margo MacDonald is a member of the group and her knowledge has been invaluable in informing the group. She has acknowledged that tolerance zones are not a panacea; we have heard that this afternoon. As I understand it, the bill does not seek to legislate for prostitution generally, but seeks rather to allow local authorities to designate areas where soliciting will not fall within the scope of the criminal law.

Edinburgh and Aberdeen have operated unofficial tolerance zones with differing degrees of success. We will visit Aberdeen in March and will hear at first hand about its policy on the operation of the zone. After that visit, we will be in a better position to draw preliminary conclusions on tolerance zones. I am not in that position at the moment.

Mr Welsh: So you are saying that you have not ruled out the option of legislation along the lines of the bill.

Sandra Hood: We have not ruled anything out or in. It has not been discussed.

Tommy Sheridan: Excuse my ignorance of the seasons, but what do you mean by "autumn"?

Sandra Hood: I suggest that we will have an annual report completed sometime around October or November.

Tommy Sheridan: Will that report be on the first stage, which concentrates on street prostitution?

Sandra Hood: It will be a report on the work that we have conducted up to that time.

Tommy Sheridan: When Andrew Welsh asked you about the proposals in the bill, you said that the issue has not been discussed and that no position has been taken. Do you envisage that the group will take a position between now and the first-stage report in October?

Sandra Hood: The group will have to debate that topic and make some comment or recommendation on it.

Tommy Sheridan: So it would be fair to say that between March and August, you are going to have to truncate your discussion of the specific idea of the non-harassment zones or tolerance zones.

Sandra Hood: Yes—it will be required that that debate take place sometime during the summer.

Tommy Sheridan: I am pressing the question because I wonder whether you share my slight concern that the minister seems to be setting an awful lot of store by what your group is going to say. You have said several times that the minister is not ruling anything in or out because he is

waiting to hear from the group. You are saying that the group has not discussed the issue yet but that you will discuss it before the report comes out.

Sandra Hood: Yes. The discussions on tolerance zones will take place prior to the first stage of our work's being reported.

Tommy Sheridan: Do you think that that is enough time to consider the issue properly?

Sandra Hood: If, at the end of the summer and once we have started to analyse the work we are unable to come to some definite findings, that is what will be recorded. Perhaps we will then need to go on and do another stage. What is important is that we consider and address all the issues, analyse all the information that we have and then make informed responses to the Executive.

Tommy Sheridan: How accurate or reliable do you believe the evidence is that we have received that problems such as attacks on women who are involved in prostitution have increased since the demise of the non-harassment zone? Do you believe that there is a causal relationship?

Sandra Hood: We heard evidence to that effect from the deputy chief constable of Lothian and Borders police.

Tommy Sheridan: So you think that the evidence is pretty reliable.

Sandra Hood: I accept what the deputy chief constable said and the information that he presented to the group when he met us. However, I do not know what the causes are.

Tommy Sheridan: Did he suggest that there is a causal relationship?

Sandra Hood: He said that there had, as a result of the tolerance zone's demise, been a loss of intelligence and that there had been an increase in reported violence. Indeed, when SCOT-PEP addressed us in Edinburgh, it expressed a similar view and quoted the figures to which you referred this afternoon.

Tommy Sheridan: So far you have heard from SCOT-PEP and the deputy chief constable of Lothian and Borders police. Have you also heard from the City of Edinburgh Council?

Sandra Hood: Yes—we had a presentation from the council and from Leith Links residents association.

Tommy Sheridan: Did the representatives from Edinburgh, Lothian and Borders police and SCOT-PEP all say that there had been an increase in violence as a result of the tolerance zone's demise?

Sandra Hood: SCOT-PEP and the deputy chief constable of Lothian and Borders police

commented on that matter. The residents association and the council provided information about other matters.

Tommy Sheridan: But not specifically about that matter.

Sandra Hood: No.

David Mundell: I seek clarification on specific matters and on the very wide-ranging issues that impact on prostitution. Several times, the minister was at pains to stress that he did not want to take a piecemeal approach. However, you acknowledged in your opening comments that the issues that surround prostitution are extremely wide and probably cannot be tackled in their entirety. Where does the balance of your work rest between tackling a specific issue—for example, street prostitution—and addressing the entirety of issues that surround prostitution and the sex industry?

Sandra Hood: After examining the remit, the group reached the unanimous decision that it should examine street prostitution first, for the reasons that I have already given. Although a thread runs through all aspects of prostitution, we had to break things down into various stages in order to progress some of the work. That is how we have tackled the issue.

David Mundell: Does the group feel that it would be able to make recommendations to the Executive on street prostitution that might or might not require legislation, but which would not be seen as a general solution to all prostitution issues?

Sandra Hood: It is up to us to examine some of the issues and to make recommendations. Until the debate has taken place, I am not clear in my mind about how the group would wish to take forward some of those issues. I know that our strategy for addressing the matter and our evidence gathering is on schedule. The next stage is to analyse all that information and to make recommendations on the way forward.

David Mundell: Is the group able to make recommendations about, for example, street prostitution without getting into the whole question of the legal status of prostitutes and their clients, which Iain Smith raised earlier?

Sandra Hood: I believe that it is up to us to report on our findings at the stage that we reach. If further work is required, we must make that view known when the time comes.

David Mundell: Will you make it clear whether immediate action, including the option to make legislation, is required at that stage? I ask because I see a contradiction in the comments that have been made. Although we will receive recommendations on tackling street prostitution,

the minister might be back before us in a year's time, or less, to say that he cannot take them forward until he has received the other parts of your report.

Sandra Hood: We are working extremely hard to drive the matter forward. We have had the meetings that I mentioned to you and I hope that we will be able to make some recommendations for the first-stage report in the autumn.

15:15

Iain Smith: I want to press you a little bit more about the expert group's strategic approach. Obviously, there is a clear programme of gathering and analysing evidence from which conclusions can be drawn, but what is the main driver for that? What do you seek to achieve at the end of that? Is the main driver the public order issues, such as the problems that are caused by street prostitution, or is it the safety of prostitutes and the provision of support services for them? For example, is the main driver the attempt to help prevent people from becoming prostitutes in the first place and to help provide routes out of prostitution?

Sandra Hood: Those different strands cannot be considered in isolation. This is a complex issue in which all the strands are interlinked. Clearly, we will examine why women enter prostitution and we will consider routes out of prostitution. We are hearing about the serious drugs problem and about the large number of women who are involved in prostitution who have associated problems of drugs and violence. Women's safety is important, harm reduction is important and the quality of life for people who live in these areas is important. There is great complexity to the issue, so it is not possible to consider one strand in isolation.

Iain Smith: I understand that, but one of the main drivers of Margo MacDonald's bill is the concern about the safety of people who work in the sex industry and of street prostitutes in particular. Without prostitution tolerance zones, it is more difficult for services to be provided. Hugh Henry referred to the increase in violence. There is a need for services to deal with that and with other issues, such as drugs problems and safe-sex issues. Will the existing legislation be examined to see whether it contains any barriers that might prevent local authorities, the health service, the police and even the Procurator Fiscal Service from helping to provide support services that would increase safety for prostitutes and, hopefully, help them out of prostitution?

Sandra Hood: We will most certainly look at those issues.

Margo MacDonald: On a point of information, the City of Edinburgh Council's written evidence states that it will not provide services beyond those that it provides just now unless there is a clear legal framework inside which it can operate. A slightly different viewpoint has been taken by Aberdeen City Council, which is so far away that it thinks that nobody will notice too much. Its council leader said before the recent elections that Aberdeen would just continue operating its informal zone. That is possible because the procurator fiscal in Aberdeen has decided not to prosecute people for soliciting. However, the arrangement is very ad hoc and informal, so it could be challenged at any time. That position could be agreed by all local authorities, even Glasgow City Council, which does not approve of the bill in principle.

On Sandra Hood's comments, I want to try to explain—if I may—what the group has done. We have sought to identify how women—and men, but women in particular—might be persuaded against, or prevented from, becoming prostitutes. However, if they are working as prostitutes, we want to minimise harm. We also want to look at how people can be diverted from prostitution. That is basically what we are doing.

I do not speak for the group. I am at committee as an individual member of the group and, as I said, I believe that there is an immediate need for Parliament to take account of the concerns of local authorities, which is why I want to ask about the timetabling.

Obviously, I know how we tried to separate the strands and how we tried to get a logical timetable for reporting back to the Executive. However, as Sandra Hood and I have discussed privately, the whole prostitution scene or sex industry has moved on even since the bill was introduced—things are changing very fast and urgency is required. I am thinking of the group's remit and the timetable to which it has agreed. It is possible that the bill might be debated in June—is that likely to convene?

The Convener: I do not have a timetable for the bill.

Margo MacDonald: It is possible that the bill might be debated before the expert group plans to discuss it. By the way, we are not expert at all; all of us are still learners. Would it be possible to give an interim report either to this committee or to the Executive in order to inform Parliament, Sandra?

Sandra Hood: I think that that would be possible only if the matter had been debated fully and we were able to make the informed view of the group known to Parliament. I would not like us to be rushed into presenting a report. Our remit is wider than the issue that is on the table for debate

today.

Margo MacDonald: I appreciate that and I understand the practical difficulties probably more than most members of the group. Members of the group have made a commitment to the different areas that they want to research. I am concerned, however, about timetabling. Our reports from the police and from voluntary organisations tell us that things are changing fast and the local authorities want to have an indication as fast as possible as to what they might expect.

Sandra Hood: I acknowledge Margo MacDonald's observation. As I said, the group is a part-time group. Thus far we have undertaken a lot of work, but a lot more work must be undertaken. It is vital that we present informed findings and not findings that have been rushed to meet a schedule.

Dr Jackson: I want to follow on from what Iain Smith said about what your study into street prostitution in Scotland aims to do. So far, the expert group has said that it wants to get information from the women themselves, which is an important thing to do. The group also said that it will concentrate on the major cities and that its members are making visits to those cities. The group is also collecting information including reports. In reply to Iain Smith, you said that the threads in all this are obviously complex, which can make it difficult to isolate issues.

If I understood Margo MacDonald correctly, she seemed to suggest that the two most important issues are support and safety. The safety element includes the issue that members of the Local Government Committee in the first session of the Parliament remember in respect of collecting information about the best way in which to care for women in terms of their safety and the management issues that are involved in relation to tolerance zones, safety zones or whatever.

However, in order for us to move ahead, can you tell us what are your three or four main aims? Apart from the obvious areas of support and safety, will you collect information on other areas on which your recommendations will focus? I have not quite understood what the focus of the group is in examining street prostitution in Scotland.

Sandra Hood: We are looking at the violence against the women involved, the serious associated drugs problems and the sources of complaints from people who live and work in areas where there is prostitution. We are also examining how the women have entered prostitution, the support services that are available to them—in particular, health services—and the routes out of prostitution. We want to find out how we can help women to leave prostitution by ascertaining what programmes are in place at the moment across

the country in relation to all those issues.

Dr Jackson: Within that, you are examining individual circumstances and individual approaches. On the safety side, we are examining Aberdeen's approach and what is now happening in Edinburgh. Then we are considering the application of completely different philosophies in Glasgow and Edinburgh, although in reality what is happening is quite similar. How are you going to bring those things together for the recommendations?

Sandra Hood: Dundee has been included in our debate, so we are examining the four major cities of Edinburgh, Aberdeen, Glasgow and Dundee. We have gathered a lot of information. Only last week in Glasgow, we received presentations from some of the people from whom you will hear today. We have had presentations from key players in Edinburgh and in Dundee. We will receive a presentation in Aberdeen at the end of the month. Following that, we will analyse much of the information that has been received on drugs, support services, the method of policing in these areas and a host of other issues and, from that, we will make recommendations. I hope that, by that time, we will know the scale of the problem and the obstacles to managing the policies in the various areas and, more important, will have some solutions for the way forward. Those will form the recommendations at stage 1.

I said at the beginning—and I feel obliged to say it again—that the work is at such an early stage that I am not able to give in-depth responses and definitive answers to some of the questions that I am being asked.

The Convener: If no other member wishes to come in, that brings us to the end of questions. I appreciate your evidence. Committee members recognise that the work that you and the other members of the group are carrying out is at an early stage and that you are working to a timeframe of producing an interim report by the autumn. Thank you for your evidence.

Sandra Hood: Thank you.

The Convener: I welcome to the committee Sue Laughlin, the women's health co-ordinator for the Routes Out social inclusion partnership; Mike McCarron, from the addiction team of the Routes Out social inclusion partnership; and Ann Hamilton—who is being very helpful in providing Margo MacDonald with a cup of coffee—who is the principal policy officer for Glasgow City Council. I will allow Ann a second or two to get organised.

Before I allow an opening statement, I advise members that the witnesses are here primarily to discuss their views on the Swedish approach to tackling the problems of prostitution, which was

referred to in earlier evidence. That will be the main focus of the evidence that they provide. I invite one of the panellists to make an opening statement.

15:30

Mike McCarron (Routes Out Social Inclusion Partnership): We were going to make three opening statements, but on the train I was elected to make an opening statement. My name is Mike McCarron and I am co-ordinator of the Glasgow drug action team.

Ann Hamilton (Glasgow City Council): My name is Ann Hamilton and I am the principal policy officer of Glasgow City Council.

Sue Laughlin (Greater Glasgow NHS Board): My name is Sue Laughlin and I am the women's health co-ordinator for Greater Glasgow NHS Board. I am here as a member of the Routes Out partnership; I do not speak for the partnership.

Mike McCarron: I am a member of the board of the Routes Out partnership. I am responsible for maintaining the flow of information about drugs issues as they relate to women in prostitution.

The board of the Routes Out partnership welcomes the public profile that the bill has given to street prostitution. We welcome the considerable efforts, informed by the thinking behind the bill, to extend understanding and support and to improve safety and opportunities for women involved in street prostitution.

We take issue with the policy memorandum on which much of the thinking on tolerance zones is based, although we recognise that much of the information in it builds on good aims. Some women have enjoyed good outcomes from certain projects in Edinburgh. The memorandum is based on a limited range of information and does not consider all the issues that pertain to women involved in prostitution. It does not reflect the deep-seated social problems of gender inequality and the lack of choice and support given to some women at difficult times in their lives. We do not think it demonstrates a comprehensive multi-agency strategy with the associated actions that are required to address street prostitution and its patterns of change, such as the shift of so-called red-light districts.

As the committee is probably aware from the information given to it, Routes Out increasingly has tried to locate its work in the field of information and research, not only in Scotland and the UK but in other countries. Information is available from a four-country study that tries to bring together what we know about the issues and to develop services of help to women.

I bring to the committee's attention two of the 10 conclusions of the study commissioned by Routes Out. The first conclusion states:

"Tolerance zones in both the legalised and regulatory regimes have failed to deliver the hoped for benefits."

The second conclusion is:

"Only coherent, co-ordinated, multi-stranded and well-resourced interventions, linked to a clear longer-term policy direction make a positive difference."

The Routes Out partnership is beginning to shape its progress within those fundamental parameters.

I will mention the actions being taken. In Glasgow, we are trying to set out alternatives to the proposals in the policy memorandum, or some suggestions of a similar nature. There is a strong commitment to a multi-agency approach. The various agencies which comprise the Routes Out partnership reflect the commitment of all key bodies to developing a single approach.

On the effectiveness of the process, despite its long-term nature, it is beginning to deliver outcomes, help and support to those who need such assistance. The plan that has been circulated to members contains a diagram of services, which indicates how the Routes Out partnership is beginning to improve the support that makes women more safe, prevents their becoming involved in prostitution and gives them routes out if it.

I hope that the shaded parts of the diagram have come up—they are services that were in existence in 1999 before the Routes Out of Prostitution social inclusion partnership came into being. Essential among those is Base 75, which provides services directly to women on the street who are involved in prostitution in the centre of Glasgow. Others that feature are a clutch of voluntary organisations—Barnardo's street team, Aberlour and SAY Women—that are involved in providing additional services. Further down the diagram, mention is made of sensitive policing—members of the police liaise with other agencies to try to develop relationships with the women and to improve the safety options for them.

Since Routes Out came into being we have been able to add a range of other services and developments that are shown in the white boxes. For example, additional housing support has been attached to Base 75. At the top right-hand side of the diagram, mention is made of the Routes Out intervention team. It helps women who are beginning to deal with their drugs problem to settle other issues in their life, link into services and investigate their opportunities. They can get help to move on and to take up opportunities to get out of prostitution.

New futures, which is a new project that is funded by Scottish Enterprise, is mentioned further

down the diagram. It gives opportunities for the women to look towards work and employment. The project aims to build their confidence and to develop a range of options for them individually.

The minister mentioned the time-out service in Base 75, which is a brand-new service that has just started. It will provide women with opportunities to remain in the community, instead of going into Cornton Vale, and to get support and help with drug problems or other family matters that might be getting them into problems

There is a homeless addiction team and, under the "Prevention" heading, the diagram mentions an important part of Glasgow City Council's strategy, which are CATS, or community addiction teams. There are now 11 community addiction teams across the city, which fully integrate all the social work, counselling and health resources under one management structure. That integrated service is available equally to women who have a drugs problem wherever they live. We know that 95 per cent of women involved in prostitution have a serious drugs problem, so the service will be very relevant to them in their home area.

We already know that, because of the drugs aspect of their lives, many women are beginning to pick up services that allow them, if they begin to make progress, to deal with their involvement in prostitution. That aspect of community addiction teams is important, as it means that we focus not only on one or two projects for women who are discernibly in prostitution; we are investing in a range of services that women can access to address their range of needs. They probably have nine or 10 different issues, of which prostitution is one and often not the most important.

I ought to make reference to a range of other important developments that are outside the box. For example, a new arrest referral scheme will specifically pick up women who have been arrested by the police for soliciting. The women can be referred to arrest referral and then helped with their drugs problem and offered other services.

We link strongly with the Scottish Prison Service, which is about to publish three new reviews: on welfare, on addictions and on employability. Those reviews use the same language and show the same understanding of people's needs as does work in the community. The task will be to join those up to get better joined services.

We have commissioned new rehabilitation services across the city for people with drugs problems, so that every part of the city will be covered by one of six rehabilitation services. Again, there is a resource for people—including women—who are beginning to stabilise to move

into other learning opportunities. Recognising that the women have opted out of education at a very early age, the Routes Out intervention team is setting up a learning centre with John Wheatley College so that, as women begin to move out, they can access learning opportunities and become peer educators.

Within the city, a major programme—the equal access strategy—focuses on job opportunities, which have probably not been there for three decades for people who live in the peripheral schemes. Opportunities for women moving into work will become increasingly available if we can make the right connections with them.

The final point is the involvement of women themselves. We are pleased to hear that the expert group will seek the views of the women. The social inclusion partnership is actively engaged in supporting women in finding their voice and making their own contribution to these issues.

We have taken some time to go over the plan, because we think that it is important to realise that there is plenty that can and must be done, whether or not certain aspects of the solution can be progressed at the one time. Every organisation in cities where prostitution on the street is a big issue needs to rethink its internal focus and its commitment to, understanding of and progress on the problem.

I have Routes Out, but people could use ladders, escalators, stepping stones or pathways—there is a lot of know-how about how people who are extremely excluded can get out of their situation if the right connections and opportunities are available to them at the right time in their lives over a timescale that suits them. We must make that know-how work for the most excluded group of people in our cities, who experience a range of traumas and issues.

We need a Scotland-wide approach. In Glasgow, we recognise that, although we have 12 per cent of the population, at any one time we might have 25 per cent or 40 per cent of a particular problem. The overarching legal framework and national policy framework are required to enable us to put in place the policies that we need. Legal reform is absolutely crucial. It is disgraceful that women are criminalised in this activity and are unequal before the law. We are pleased to hear that the expert group will address that. Social reform is also necessary to provide the twofold programme that is required to address gender inequality and social exclusion.

The research that we commissioned referred to the fact that the first recorded instances of prostitution came after humans invented slavery. We feel that we have done a job on slavery; we

must now address people who are involved in prostitution.

Dr Jackson: Thank you for your opening remarks and for your diagram, which is extremely useful. I have three quick questions.

Both groups—the greater Glasgow drug action team and Routes Out—initially opposed the bill. Not much has changed about it, so my first question is whether you still oppose it.

Secondly, since the Local Government Committee took evidence before, have there been significant changes? For example, we hear about escalating violence in Edinburgh. Has there been a similar trend in Glasgow for different reasons?

Thirdly, I notice that, in your diagram, under the heading “Police”, you have written “Sensitive Policing of City Centre”. How different is that from what happens in a tolerance safety zone in Edinburgh or Aberdeen? Will your model in Glasgow of having areas for prostitution be used elsewhere as areas become more and more difficult to allocate? How different is the sensitive policing in Glasgow from what is happening elsewhere?

15:45

Ann Hamilton: We still do not support the bill. It is interesting that the report that was commissioned to consider the experience in four other countries shows no evidence of any benefit from having tolerance zones, as Mike McCarron said. In the Netherlands, where tolerance zones were established in Amsterdam, Utrecht and Rotterdam in the late 1990s—the one in Amsterdam was established in 1997—the zones have now been disbanded, because they have caused major difficulties for the local authorities and police due to major debris, violent and abusive graffiti and violence in the areas.

Further, women who do not want to register to work in the regulated tolerance zone have become involved in prostitution in the areas around the zone. The mayor of Amsterdam said that it appeared to be impossible to create a safe and controllable zone for women that was not open to abuse by organised crime. Organised crime is one of the dimensions that will cause problems wherever there is street prostitution.

The second point relates to significant changes that have occurred since the Parliament last discussed the issue. There has been an increase in the number of prostitutes, in drug use and in violence within the city centre and the east end of Glasgow. We are convinced that, rather than a different approach, we need more resources for the approach that we are taking. We are now beginning to see evidence that women are moving

out of prostitution, that some women are being persuaded not to become involved in prostitution and that some women are managing to reduce the harm that is caused to them.

We have been monitoring data and sharing it across the agencies since about 1998, so we are aware of the levels of violence that women experience and we know about the various social needs of women. That work could be rolled out in other areas.

You asked about sensitive policing and whether we were simply doing what Edinburgh and Aberdeen are doing. The situation is different because we view prostitution as violence against women. We do not want to make women a bit safer; we want to reduce and eliminate prostitution. We do not want to support prostitution or become involved in managing it in any way, although we respond to waste that is left in the city centre and the east end and the public nuisance that is caused. There has been what is referred to as sensitive policing in the city centre, but that is beginning to change because there are now more hotels and residential properties in the city centre and there is a recognition of the impact that prostitution in the city centre has on people's quality of life. The sensitive policing is becoming much more like the kind of policing that has existed in the east end.

Tommy Sheridan: Before I ask my questions, I apologise to the committee for the fact that I will have to leave at 4 o'clock to go to a demonstration in Glasgow.

Mike McCarron made a statement that none of us would disagree with about the aims and objectives of Routes Out and the marvellous work that it is involved in. However, I am in a difficult position, because, while I agree with everything that he has said, I wonder whether he would accept that there are differing experiences in various cities. Does he accept that the proposed legislation is not about imposing something on Glasgow, which the witnesses are against, but about enabling local authorities that want to create a non-harassment zone to do so after consultation?

Mike McCarron: We must respect the fact that the situation is different in different areas. I have been learning more about this subject as I have read more of the associated literature and I think that the committee needs to understand that, if you create an area in which prostitution is safer and better managed, you will provide other people with the opportunity to use that as a locus for developing a criminal network. All the information suggests that there is a huge development of illegal activity around such oases of protection.

There are about 95 legal brothels in Victoria, Australia, and about 400 illegal brothels. The

reason why the Netherlands closed down its tolerance zone was that, despite all its efforts to manage it safely for the benefit of some women, organised crime saw it as a way to get people into prostitution, and people were hidden, coached to have stories ready and to adopt new identities and so on. In taking any such steps, it needs to be clear that a Pandora's box like that will not be opened up. One reason why organised crime is said not to be so well developed in Scotland is perhaps that we do not have so many such loci. That might be a hypothesis at the moment, but it offers food for thought and needs to be considered before members come to a conclusion.

We know how local politics work and how community councils view such developments, and one can foresee a situation in which women who are already marginalised are shunted to the outskirts or the grottiest parts of our cities to indulge in a highly risky and unsafe occupation that is always subject to violence, 90 per cent of which takes place outwith the zone. Other women who for some reason cannot or will not use the zone will be even more marginalised by being outwith the protected area. They will have the same issues and problems and will deserve the same approach to their safety and support.

The problem is complex and I do not think that the bill's proposals for tolerance zones really start to get to grips with it—they will probably make it worse.

Tommy Sheridan: I am glad that you finished by saying that, because I was going to suggest that you were suggesting that the bill would make the situation worse. In fact, the evidence from the deputy chief constable of Lothian and Borders police, SCOT-PEP and the City of Edinburgh Council runs counter to that. Their evidence is that, since the demise of the tolerance zone, the problem of violence against women has become worse. I asked Sandra Hood whether she thought that that evidence was credible and she said that she accepted it as being credible, because it came from the deputy chief constable of Lothian and Borders police. Are you suggesting that he is wrong and that you are right?

Mike McCarron: I know that Ann Hamilton wants to make a comment on that—she is perhaps better informed than I am. I have considered what Margo MacDonald said about the fact that nothing will happen in Edinburgh until something like a tolerance zone is introduced. This is a scene in which it is not possible just to do nothing. We need always to be acting in not just one or two ways, but a dozen or 20 different ways. I wonder whether the information about the problem in Edinburgh is robust enough for the committee to know that it will have considered all the information that it needs to consider to

understand the problem. I also wonder whether all the strategic activities that can be carried out are being carried out to address the problem. I am not here to fault anybody—none of us is doing this well enough—but there are legitimate questions that we should pose. There is a little bit more to the issue than the argument that is led in the policy memorandum.

Tommy Sheridan: Sue Laughlin or Ann Hamilton may obviously supplement that, but are you saying that the evidence of increased violence against women is not causally related to the demise of the tolerance zone, despite the fact that the others I mentioned have said the opposite?

Mike McCarron: I do not think that the information is sufficient to demonstrate that it is related.

Ann Hamilton: Information showing a connection between the two has not been given to us. We have always struggled to get information from Edinburgh about the nature of the issue on the streets and in relation to indoor prostitution. We would have welcomed a sharing of information and of the policies that we have developed. We have shared information with a number of cities in the UK.

Increased reporting might be because people are asking more or because there are better systems for reporting. We have experienced an increase in the reporting of rape and sexual assault of women in Glasgow, but that is because an additional service has been introduced and the police have been more sympathetic. It is not possible to say that the disbandment of the tolerance zone in Edinburgh has caused an increase in violence. There was probably a high level of violence before, which might not have been recorded.

Tommy Sheridan: With the greatest of respect, I am not saying that—the deputy chief constable of Lothian and Borders police is. If he is not taking into account all the factors that you have just outlined, you would have to accept that he should not be the deputy chief constable of Lothian and Borders police. Even though, from what you are saying, it seems that there is a lack of information sharing, surely you accept that, given SCOT-PEP's professional status and experience, it would have taken those factors on board. SCOT-PEP, the police and the City of Edinburgh Council are saying that the increase in violence is related to the demise of the tolerance zone; it is not me.

Ann Hamilton: I accept that the police and SCOT-PEP appear to be saying that, but they also wish a tolerance zone to be re-established in Edinburgh.

Tommy Sheridan: I am a bit worried that you seem to be suggesting that those organisations

have provided information to suit a purpose rather than because it is empirical.

Ann Hamilton: I am saying that we do not have that evidence—it has not been provided and we have not examined it—whereas we know what the evidence is in Glasgow and that it backs up our approach to prostitution.

Tommy Sheridan: Given that you do not have the evidence from Edinburgh to back up your point—although you have evidence from Glasgow—you really are not able to say that a non-harassment zone or tolerance zone would make matters worse, as Mike McCarron said.

Ann Hamilton: Such zones certainly made matters worse in Amsterdam, Rotterdam and other Dutch, and German, cities.

Tommy Sheridan: I am interested in the example of Amsterdam because I am worried that we are comparing apples and pears. Are you suggesting that, because the tolerance zone project did not work in Amsterdam, we should mimic the red-light district area that exists in Amsterdam? Is that the best way in which to manage the problem?

Ann Hamilton: No, not at all. We are suggesting that where tolerance zones are established, there are increases in all sorts of antisocial behaviour and no reduction in the level of violence or abuse from which women suffer. Further, women's sexual health is not ensured because men are still prepared to pay extra for sex without a condom.

Tommy Sheridan: Do you not see the apples-and-pears argument? The evidence is that all the changes that you mention did not happen in Edinburgh. Amsterdam already has a thriving sex industry. The experiment that was tried in Amsterdam did not work there, but the approach to the sex industry in Amsterdam is entirely different from that taken in Scotland or Glasgow. I am worried about using the failure of a tolerance zone in Amsterdam as proof that a tolerance zone would not work in Scotland. Amsterdam already has a thriving sex industry, and I am sure that most people in Scotland would not support that.

Ann Hamilton: We do not have the evidence of benefits in Edinburgh laid out from beginning to end. I have not read full accounts involving all the agencies in Edinburgh that record what has happened, the number of children involved in prostitution, the level of violence and so on. Unlike in Glasgow, there has not been a co-ordinated framework in Edinburgh. That is my main point. I am not saying that the figures are not right, but that that has not been demonstrated to us.

Sue Laughlin: I want to add to that point, if I can get a word in.

Tommy Sheridan: Sorry, Sue.

Sue Laughlin: The main substantive difference between Edinburgh and Glasgow is that Glasgow has chosen to take a strategic approach to prostitution. With all the agencies that are involved, Glasgow City Council has chosen to make it public that we do not accept prostitution and that we must put a comprehensive set of measures in place to address it. If we pick out individual measures such as tolerance zones or other measures that de facto accept prostitution, we must ask ourselves whether they help or hinder us in establishing and delivering a comprehensive strategic approach that is aimed at addressing the causes and consequences of prostitution.

Through our work, we have concluded that one cannot take a single-measure approach, because it confers a degree of acceptability on prostitution and limits an area's ability to take on board the other measures as well. There is nothing to prevent other areas in Scotland from putting together the package of measures that has been put together in Glasgow. There is nothing unique about the Glasgow situation; we have just chosen to take that stance.

16:00

The Convener: I know that Margo MacDonald has been desperate to get in for a few minutes.

Margo MacDonald: I want to correct one or two things. Mike McCarron said that I had said that nothing could be done in Edinburgh, but I did not say that—I said that the council had laid out a range of measures that it admitted were only temporary and that it did not feel that it could properly advance the management of prostitution in a cohesive sense unless there was a legal framework. That is what I said, because that is the situation.

I was interested in something that Ann Hamilton said. She said that the City of Edinburgh Council cannot supply figures on how many children are involved in prostitution, for example. Can Glasgow City Council do that?

Ann Hamilton: Yes.

Margo MacDonald: You know exactly how many children are involved.

Ann Hamilton: Where there are any vulnerable young people, we have vulnerability and child protection procedures, and the agencies work together. We have services on the street, such as detached youth workers, and the police pick up any examples of child prostitution. There is undoubtedly a problem with young people who are sexually exploited in an indoor setting and we are concerned about that. We are certainly not complacent—we are actively pursuing the matter.

Margo MacDonald: I did not think that you were complacent; I just thought that you could not tell me the number of young—or under-age—prostitutes in Glasgow. You cannot do that. You can point to a very admirable programme to prevent young people from becoming prostitutes, but the City of Edinburgh Council is also developing such a programme. Therefore, I suggest that there is no difference between the cities in how they tackle the problem.

I want to ask Mike McCarron how he justifies the claim that tolerance zones have failed to deliver. I will consider the issue in a Scottish context because, as you know, I am a narrow nationalist who does not look abroad to speculate; instead of gazing into the crystal ball, I consult the book that has been written on the cities of Scotland. You said that tolerance zones did not deliver but you have only just introduced in your flow chart the idea of using the new futures programme to help women out of prostitution. Were you aware of the fact that Edinburgh has been operating in that way for years?

Mike McCarron: Yes.

Margo MacDonald: So, in other words, Edinburgh has already been doing something that is mentioned as a bullet point in the work that you are delivering through your strategy.

Mike McCarron: Yes, but it is not necessary to have a tolerance zone to do that work.

Margo MacDonald: I am not suggesting that that it is; I am simply suggesting that for you to say that tolerance zones have not delivered is to make a bit of a sweeping comment.

You and Ann Hamilton referred to the funding that was needed. How much money is spent per prostitute in Glasgow, according to your strategic breakdown of the objectives of the services—prevention, support and harm reduction and exiting? Do you know how much is spent?

Ann Hamilton: We would never consider that, because we do not see women as being only prostitutes. They will use some services because they are drug users, some services because they are mothers and some services because they have mental health problems. I do not think that there is any way that we could give you such a figure, but we could give you a figure on the level of service that is delivered to women who are involved in prostitution in relation to their prostitution. Those services include Base 75, which is a drop-in service, and SWAP, which is the supporting women abused through prostitution project. I could get you a figure for that, and the amount would be significant.

Margo MacDonald: The amount must be significant, given all the agencies involved. I

wonder how much extra cash comes directly from the Executive or from one of the agencies rather than from the council. As the minister told us earlier—you were present when he replied—the decision is up to the councils. However, Glasgow City Council is not deciding; all the extra bodies that give you money are deciding.

Ann Hamilton: Funding is available from the Scottish Executive, but funding has also been moved from other council services, the health board and the police. Resources have been diverted into tackling the issue; not all the funding is external, although we have been very good at maximising external funding.

Margo MacDonald: Sylvia Jackson pointed out that the Routes Out approach is similar operationally to what happened in Edinburgh, to what still happens in Aberdeen and, to a much lesser extent, to what happens in Dundee. How many prostitutes have you delivered out of prostitution? You said that the number of prostitutes in Glasgow has been increasing at the same time as it has been falling in Edinburgh.

Ann Hamilton: I thought that the number was increasing in Edinburgh because of the end of the tolerance zone.

Margo MacDonald: We are talking about street prostitutes. The number of women who work the streets in Edinburgh fell considerably throughout the period of the tolerance zone. We cannot be so certain of the numbers in the period thereafter, simply because women are dispersed. I admit that your strategy looks impressive, and I have already paid tribute to the many agencies involved in Glasgow. However, can you explain how your strategy is delivering if the number of prostitutes is rising and there is a rising incidence of violence?

Ann Hamilton: The number has risen steadily during the past 10 years and certainly during the past five or six years that I have been involved with the issue. The number will probably continue to rise, but we have evidence of a significant number of women exiting either through our intervention team or through our other partners, such as the new futures programme and the east end drugs programme. However, prostitution is still seen as a simple means of supporting a drug habit, although it is not. We find that, some years down the line, women are still facing the stigma and shame that comes from their involvement in prostitution. That has been extremely damaging. It is our experience that it is costly to support women out of prostitution.

Margo MacDonald: You have a variety of ways of contacting women who might be prostituting themselves—they may have a drug habit or they may be being used by a pimp, manager or partner—and it is difficult for them to escape the

stigma of prostitution. However, I put it to you that you might be able to claim that women have left prostitution not through contact with them in their work as prostitutes, but because they have also used the anti-drugs services.

As you probably know, during the operation of the tolerance zone in Edinburgh, there was a huge difference between the number of drug-injecting and drug-dependent women working in Edinburgh and the number of such women working in Glasgow, where more than 90 per cent of prostitutes have been drug users for years. The figure in Edinburgh was estimated at about 30 per cent, but it is now higher—that is another story. The information from SCOT-PEP and from other people working on the ground in Edinburgh was that it was difficult to trace how many women had exited prostitution because once women get away from it, they do not want to look back and say, “I was a prostitute.” Folk say, “Legalise prostitution,” but who wants “prostitute” stamped on their employment record? It is too simplistic to talk about legalisation in such terms. In Scotland, it has proved to be quite difficult to trace people who have genuinely exited prostitution if they were not drug users.

Ann Hamilton: I agree with that, but our intervention team, which has been operating for about four years, provides long-term support to women, and not only to those who use drugs. Women who use that service are involved in indoor prostitution and a number of them have maintained contact over some time. I agree that we will not necessarily maintain contact with those women, but that is not always a bad thing.

Margo MacDonald: You have developed a better multi-agency approach in Glasgow than exists in Edinburgh as regards recording numbers of women who exit prostitution, so you are better able to say that you have helped, say, half a dozen women to get out. SCOT-PEP would say, “We haven’t heard from so-and-so for so many years and we think they’re out of the game.” All that I ask you to accept is that both answers should be seen as valid.

Ann Hamilton: Base 75, which is not the equivalent of SCOT-PEP, is a project that provides harm-reduction services to women who are involved in prostitution. The project’s ethos is one of assisting women to exit. Women come in looking for condoms, but we do not simply give them condoms for the purposes of harm reduction. The staff talk to the women about supporting them to exit prostitution and about considering the other opportunities that are available. That important framework affects all the services.

We do not say that we have the answer. We are hampered by the lack of a national framework. We have not yet told the committee about our support

for the Swedish approach. Although we could not just bring that approach to Scotland by adopting the Swedish legislation, we favour the Swedish approach. It is gender neutral, so it is not about men and women; it is about those who purchase and those who sell sex, and about those who are exploited and those who are exploiting. The approach is long term and strategic. It is set within a framework of gender equality and recognises prostitution as violence against women. It is a multi-agency approach that specifically supports those who are exploited. There are resources to help people with exiting, to train prosecutors and police officers, and to cover implementation. The Swedish are tackling the demand.

Our conversations are always about women, the fact that women have social needs and the dimensions of women's lives, but the men remain invisible. The Swedish accept that prostitution will never be safe and that the women involved will never be in control of their sexual, physical or emotional health. The Swedish have managed to change public attitudes. The last survey that was conducted showed that 81 per cent of the public supported the legislation, which criminalises the buying of sex. Another study is reviewing some of the gaps in the law.

The Swedish have experienced a reduction in street prostitution and in the level of trafficking, partly as a result of police intelligence. All the elements of the sex industry are underground and very few people have a handle on the sex industry in their own cities and communities. Swedish police intelligence is showing that the sex industry is decreasing because it is more trouble to operate in Sweden than it is to operate in Norway and Finland. That might be a selfish approach, but it means that there is a reduction in harm to women in Sweden. That has been seen as positive.

I have brought copies of public education posters that the Swedish have distributed, if members would like to see them.

Margo MacDonald: I have some more information from the social welfare officer of the prostitution group in Gothenburg. What she says underlines my contention that every city—wherever in the world—will have its own particular pattern of prostitution. In the second year after the criminalisation of prostitution in Sweden, it was discovered that the numbers of people involved in street prostitution had gone up. Initially, the numbers fell off, but they are now climbing for all sorts of reasons that I will not go into. It is noticeable that, although it is now a criminal act to buy sex in Sweden, there is still a market on the streets for sex. The pattern of work and the number of prostitutes working in Malmö, Gothenburg and Stockholm are quite different.

The Convener: I want to move on and bring in other members, because Margo MacDonald has

had a good shot at questioning over the past 10 or 15 minutes.

Margo MacDonald: I know—I really appreciate it. I thought that committee members and Ann Hamilton should have that information, because it came from the most up-to-date report available.

The Convener: I will perhaps let you come back on that later, but I want to give other members the opportunity to pursue their lines of questioning.

16:15

Iain Smith: First, I will ask a follow-up question that is along the same lines as Margo MacDonald's questions

I do not necessarily dispute the witnesses' evidence on street prostitution, but there is evidence from Swedish Government studies that, since the new legislation came in, there has been an increase in underground prostitution—in particular, prostitution organised through the internet, as a result of which prostitutes are more at risk and suffer more perversity and violence daily. They agree to do things that are more serious—sadoomasochism, for example—and are more at risk in private than they were under the previous system. Do you accept that there is a counter-argument to practice in Sweden, and that it is not necessarily better than practice elsewhere, because there are potential hazards in the Swedish approach?

Ann Hamilton: I agree that the Swedish Government is concerned about the escalation in internet services. However, that is going to happen across the globe; it is an easier means of accessing women, children or any form of sexual service.

Iain Smith: I just want to be clear that I picked up the evidence correctly. Did you indicate that violence against women in Glasgow has increased recently?

Ann Hamilton: An increase in the reporting of violence has come to the attention of the street liaison teams established by Strathclyde police, which have been in operation since about 1998. That is partly as a result of our wish to ensure that all women report any incidents of violence, whether physical or sexual. A lot of effort has been made on that.

Iain Smith: Is there any indication whether those incidents of violence have been against prostitutes working within the sensitive policing area, or do they involve prostitutes working outside that area, who are more likely to be subject to violence?

Ann Hamilton: Most of the violence happens outside the zones, because women are picked up and taken somewhere else.

Iain Smith: I appreciate that point. Where they have been picked up from is the issue.

Ann Hamilton: I do not have information on that. I think that there is a general level of violence against women who are involved in street prostitution.

Iain Smith: Is it also correct that, because of the changes within the city centre, there has been a change to the police's attitude in terms of sensitive policing? Were you suggesting that a smaller area was now subject to sensitive policing?

Ann Hamilton: The police are responding to the high level of complaints from businesses and residents. Previously in the city centre, businesses opened at 9 o'clock in the morning and closed at 5 or 6 o'clock at night, and the area was not populated at night. The situation is now different. There are a lot of call centres and financial institutions and a number of new hotels and homes, so the level of complaints has increased and charges have been brought. However, charges have always been brought against women in the city centre.

Iain Smith: I appreciate that; I am just trying to see whether there is a pattern in Glasgow. Would you say that, as a result of the changes, prostitution in the city is dispersed more widely than it was five years ago?

Ann Hamilton: We are seeing more prostitution in the east end of the city, so, yes, there is a wider dispersal.

Iain Smith: Do you think that there might be a link between that and the increase in violence?

Ann Hamilton: There has always been a high level of violence. That is part of the nature of prostitution. I think that there always will be violence. That is one of the fundamental problems that we have with the proposals. We have not found a direct link between dispersal and escalation of violence. We reckon that there has always been a high level of violence, a lot of which has not been reported.

Mike McCarron: On displacement into the east end, that is another reason why, in the strategic context, we have placed the new arrest referral scheme in the east end. As women are picked up more often through normal policing, they can be referred on to opportunities for help, support and time out. One of the benefits of a strategic approach is that you can follow women through whatever vicissitudes they face and constantly try to come up with opportunities that will be helpful for them, rather than rely on one kind of project, which leaves you stuck if that project runs into a problem. Our approach is constantly to inform people right across the city so that they understand both that women might have to get

involved in prostitution and the dozen or so issues surrounding the services that the women need to have access to.

Margo MacDonald: Are the women charged when they are picked up?

Ann Hamilton: Yes.

Iain Smith: I am slightly concerned about the tone of your answers, which seems to suggest that other cities do not take a strategic approach to prostitution. I am sure that the City of Edinburgh Council, whose efforts involve the police, the health board and voluntary sector organisations, would claim that it takes a strategic approach. Its argument—which I do not necessarily support—would be that it is more difficult for it to provide that strategic service now, because there is no identifiable zone and because prostitution has been dispersed much more widely than seems to have happened in Glasgow, where it has just moved from one part of the city to another.

Mike McCarron: I do not know what is going on in other cities, so I could not make that comment. I can only tell you about what is going on in Glasgow and our approach to the issue.

However, we believe that one issue needs to be considered in a Scotland-wide context: how something like a tolerance zone fits with the analysis of what we think the problem is. The absence of that Scotland-wide consideration militates against addressing the root problems. In so far as women are in the same situations across Scotland as they are across the city, that analysis should apply to them as well. We would not use tolerance zones, but we think that the committee needs to consider whether the fundamental issue applies in principle to all women involved in street prostitution, wherever they are.

Iain Smith: I appreciate that, because you are from Glasgow and do not have full information about what goes on in Edinburgh, you may not be in a position to answer this question, but do you think that the situation in Edinburgh is better now than it was when the non-harassment zone was in operation?

Sue Laughlin: As Ann Hamilton has already said, we do not really have enough information. There has certainly been variation with regard to street prostitution. We can see that, but we do not know what the implications are for other forms of prostitution. Where the issues have been looked at in places other than Glasgow, I think—although I may be proved wrong—that that has focused largely on the harm-reduction dimension, rather than on taking the approach that we have tried to take, which is to acknowledge the unacceptability of prostitution, to say that it is not inevitable, and to recognise that dealing with it is very complex.

If we accept that prostitution is not inevitable, that it is unacceptable and that nobody who is prostituting themselves should have to do so for any reason—whether because of poverty, drug use or the way in which women are treated in society—we must ask the fundamental questions about what will make the greatest difference in addressing the fundamental problem. We can only repeat that, by looking at the limited evidence that exists, we have come to the conclusion that the introduction of tolerance zones confers acceptability on prostitution and therefore makes it harder to address prostitution from a fundamental perspective.

Mr Welsh: Notwithstanding your point about the lack of a national framework within which to operate, you have obviously developed a complex solution to what is a complex set of problems. What results can you show and is there any regression rate?

Ann Hamilton: We can show where we have supported women out of prostitution. We now have evidence that that is a very difficult process. We have evidence that there is a phase of stopping prostitution and then a phase of exiting prostitution and that the process takes some considerable time. We have learned over the past few years that there is no simple fix.

We are carrying out work in schools to show young women and men how people become involved in prostitution and that prostitution is not about sex or having a glamorous lifestyle; instead, it is very much about manipulation and exploitation. We have had very good responses to those lessons and they are now being rolled out.

We are undertaking work within a number of other projects. For example, evidence shows that the support that has been made available through the Barnardo's young women's project in Glasgow has meant that some vulnerable young women have stopped their involvement or have not become involved in prostitution. We accept that matters are probably more complex than we thought when we began the work in 1998, but we have examples of projects that have helped women to come out of or reduce their involvement in prostitution or not to become involved in it in the first place.

The problem is that money for prostitution is available and demand is constant. We recently worked out from the number of women who are involved in prostitution on Glasgow's streets that men spend about £3.25 million on prostitution. I must point out that that calculation was based on low estimated figures. Women have nothing to show for that, except that they have fed their and perhaps someone else's drug use. While demand exists and money is readily available, we will always have a problem.

Mr Welsh: Is it possible to supply some figures about the number of women with whom you have dealt? You do not have to do so now.

Ann Hamilton: Yes, we can do that.

Mike McCarron: We have already said that 90 per cent of women involved in street prostitution have a drugs problem. About 1,500 women—or a third—who are estimated to have a drugs problem in Glasgow are involved in street prostitution. All the information suggests that they are getting nothing out of the money that they are making because it is spent on drugs or funds a range of other things. If we can start providing those women with supports and choices that lead them into something meaningful, a significant number will take that opportunity. However, that will take time. Indeed, we will have to allow years for these things to happen, because the women are deeply embedded in a whole complex of personal and family issues. However, women will make progress over that time in the way that they want if the right opportunities are available.

From our experience, the situation is the same in the drugs world: the more opportunities that are available to people to exit that world, the more people will start to do so over time. I think that the Swedish experience has shown that it might take seven years for women to exit prostitution. We need to have such programmes in place.

Just as important, we need preventive measures to create a completely different culture that does not attract so many young people into prostitution in the first place. We need another major strategy that centres on the culture, on women validating themselves, on the provision of supports and choices and on empowerment to ensure that young people are prevented from making certain choices or getting into situations that are so difficult that they have no other choice but to get involved in prostitution.

Sue Laughlin: Another factor is the strong correlation between people's experience of childhood sexual abuse and subsequent drug use, prostitution and other social problems. In our work, we try to inform the mainstream services, especially health and social care services, about how they can respond more effectively to some fundamental underlying problems. Indeed, we have recently put resources into work on another feature of prostitution—homelessness—to try to ensure that services for homeless people are better equipped to respond to survivors of abuse.

Those developments are relatively new. Although those changes and services are part and parcel of the comprehensive approach that we have outlined, it will take some time for them to become effective. As a result, we must be able to operate the programmes for a considerable time

before we can overcome what is a serious public health problem.

Mr Welsh: Your chart clearly shows that there is a co-ordinated approach. How far are you using existing services and how far have you had to create new services in order to provide for that situation?

16:30

Sue Laughlin: The point that I was trying to make is that much of our work is about looking at existing services and where women use them and about ensuring that those services become more sensitive to the issues of prostitution and violence against women. We recognise that we cannot continue to fund a raft of specialist services. Instead, we must ensure that mainstream services understand the issues and are equipped to develop their practices to respond more effectively to women who are involved in prostitution and women who might become involved.

We are also beginning to collect information about demand. We have a service in Glasgow, the Sandyford initiative, which is used by men with genito-urinary medical problems. As part of that service, we are asking both sexes whether they have bought or sold sex. We are beginning to get a picture of such behaviour from both sexes, which puts us in a position to determine how to respond to it.

Paul Martin (Glasgow Springburn) (Lab): What demand is there among the women in Glasgow with whom you come into contact for a tolerance zone? I would hope that any demand for it would be for the right reasons. Has the issue been debated since Margo MacDonald's bill was introduced?

Ann Hamilton: We have considered the issue. The women would support anything that they believe would make their life easier. That is not to say that once they are out of prostitution and looking back they would say that a tolerance zone is a good idea. If you simply ask women whether it would be easier if there was a place to go and sell sex without being charged by the police, they would clearly say yes. However, as we know, the issue is not as easy as that, because if you ask the women whether they want to be prostituting, the vast majority of them would say no.

Paul Martin: On the practicalities, Mike McCarron said that it would be difficult to deliver a tolerance zone because of the public message that that would send. For example, in Glasgow city centre there is an ever-increasing population of local residents. Currently, services are provided in the city centre and closed-circuit television is in place, which has assisted the police in a number of tragic incidents. What Mike McCarron is

effectively saying is that a tolerance zone would move services to other areas. Women would effectively be displaced to other parts of the city where there are no opportunities for CCTV images. Is that the point that you are making?

Mike McCarron: One of the points that I am making is that, if we asked the public to agree where to put prostitutes, they would put them out of sight as far away as possible. If we did that, we would have to put up CCTV in those areas because otherwise they would be so unsafe that no responsible council could leave the women there. I imagine that a tolerance zone would become a little ghetto that was full of CCTV cameras and was well policed and well observed. Creating such a zone tells the women that it is okay for them to go there and sell their bodies for sex.

The film "Lilya 4-Ever" is about a 16-year-old Russian girl who is trafficked to Sweden and becomes a slave. When her mother left, her aunt said to her, "Well, you'll just need to go into town like your mother and spread your legs." A tolerance zone would make it easier for such a girl to go somewhere and spread her legs and the services could not necessarily follow her.

At the moment in Glasgow, we can be where the women are to offer them services; if something changes, we do not have to go back to the council to say, "This zone is no longer working and we need to try to relocate it somewhere else." It would perhaps take quite a long time to find somewhere else. Instead of that, we try to work within the parameters of what we can do to follow the women and find new ways of continuing what we do. That is why we are trying to make accessibility for women wherever they are the key plank of our service.

The Convener: I see that Margo MacDonald wants to respond—

Margo MacDonald: I just want to provide a clarification.

The Convener: I will let you respond after Sylvia Jackson and Bruce McFee have asked their questions.

Dr Jackson: The question that I was going to ask has already been covered.

Mr Bruce McFee (West of Scotland) (SNP): This has been a useful session. I have listened carefully to what has been said and to the earlier discussion. To be honest, I have sometimes felt that I have been in a Glasgow versus Edinburgh battle zone—I was a wee bit concerned that the debate was turning into that.

At the start, Mike McCarron clearly stated that the introduction of prostitution tolerance zones would be likely to make matters worse. Towards

the end of his opening statement, he said that he did not know the full situation in Edinburgh. I want some further detail so that I can grasp whether his main point is that zones would not be a good thing simply because, in his view, they would promote the acceptance of prostitution. Is that the essence of the argument?

Mike McCarron: On the point about the debate between Glasgow and Edinburgh, I think that prostitution is such a challenging issue that it is good to try to grapple with it from different points of view. That is the spirit in which we approach the issue.

One of the key conclusions from the international research that the Routes Out board commissioned was that tolerance zones do not deliver. That research examined the situation in four countries and showed that legalised and regulatory frameworks such as tolerance zones have not delivered the benefits in the different countries. Another finding was that a whole range of other unsafe and illegal developments begin to develop around such zones. We need to consider that carefully. We can make available to the committee another report, by Janice Raymond—she has produced an accessible 12-page document that gives a lot of information on the issue.

My colleagues may be able to provide a better answer, but my understanding is that the Routes Out analysis is that prostitution is fundamentally unacceptable and that women involved in prostitution do not want to be there. Although tolerance zones might make the problem more manageable, they would be a backward step because they would say that prostitution is an acceptable thing to do and should just be managed in a certain way. Tolerance zones would prevent us from tackling the fundamental issue that we need to address. I think that I am right in that.

Ann Hamilton: Yes.

Mr McFee: So that is a qualified yes to my question about the biggest stumbling block.

Mike McCarron: Our argument is backed up by evidence from places in different parts of the world where attempts have been made to put such zones in place. We are at the very early stages. As I understand it, there has not been a tolerance zone in Scotland. If there were to be such a zone, we would need to be aware early on of the possible risk factors of it for women as well as of the apparent benefits.

Mr McFee: I noted that you said that you had started a project in the east end of Glasgow because there was a particular problem there. I understand why you take that approach, but is there not a logic in saying that, whether the

tolerance zone is defined by the local authority or by those who are engaged in the business—we might put “business” in inverted commas—the provision of a tolerance zone would, by concentrating the activity into one area, allow services to be targeted in a far better way than is possible when you are simply following the problem around as it moves from one area of the city to another? I am concerned about whether your argument adds up.

Ann Hamilton: The responsibility for all the harm that occurred to women within a tolerance zone would be shifted on to the local authorities and other agencies. At the moment, we respond to the changing nature of street prostitution. The problem is changing, so we are looking at how best to ensure that women have support and access to services. We are comfortable with that, but we are not happy that prostitution still happens.

We certainly have to respond to the changing nature of the problem, but we do not want the responsibility of managing the prostitution that takes place within an area, as has happened in the official tolerance zones in Amsterdam and Rotterdam, where the local authority can be fined for not cleaning up the litter and where, if an attack happens, the local authority bears the responsibility.

Mr McFee: Frankly, if the attitude that determines whether or not we have zones comes down to a question of whose responsibility it would be for clearing up the litter, that would really concern me.

Ann Hamilton: That was not my point. My point was that creating a tolerance zone is saying that prostitution is okay and that the local public agencies have some responsibility for minimising the harm.

Mr McFee: So we are back to the question about acceptance, which seems to be fundamental to everything that you are saying.

Ann Hamilton: Yes, it is absolutely fundamental.

The Convener: Margo MacDonald may come back in briefly.

Margo MacDonald: There is confusion here. As I recall, the last time we discussed the issue, Edinburgh's attitude was that the number of women working on the streets in Edinburgh was much smaller than the number of women working on the streets in Glasgow. It would be more sensible for Glasgow—where there are 1,000 women and more working—to try to use all the available harm reduction agencies, including those for drugs and poverty, to get to women. However, because there is a different geography in

Edinburgh and a different history of coping with the possible onset of severe sexually transmitted diseases, and because the number of women working on the streets is much smaller in Edinburgh, the idea of targeting services through agencies came about.

SCOT-PEP was commissioned by the health board to deliver certain services. The project was funded directly by Scottish Enterprise. Glasgow and Edinburgh have different histories and geographies. That was the debate that we had last time the bill was introduced. Glasgow developed a system of managing, or reducing the harmful effects of, prostitution. That is different from Edinburgh's solution, which was to target services. I hope that that makes things clearer. I am sure that Sylvia Jackson will remember from the Local Government Committee that what I have said is correct.

Dr Jackson: Yes.

Margo MacDonald: It is important that we clarify that. The debate rests on the fact that the two cities and their experiences are different.

Mike McCarron talked about locations. He said that a tolerance zone would be a case of out of sight, out of mind, especially if it was on the edge of the city. That might be true, but if the city has the number of working prostitutes, and the history, that Edinburgh has, the zone would not be out of sight, out of mind; it would be where the services were targeted. That is how Aberdeen is thinking. If Aberdeen City Council was legally able to, it would move the area. On the other hand, the service delivery would improve because the council would be able to put in CCTV and other safety measures. I know that I am taking up time, but it is important that members have this information.

I also disagree with the international comparisons that are being drawn. I could easily cite Utrecht, which has a completely different policy from that of Amsterdam or Rotterdam. Once again, that is because Utrecht has a different history and geography. An area of Utrecht was considered to be suitable, so the city has developed a management system for women who continue to be street prostitutes, in the same way as is happening in Sweden. We must accept that all cities are different.

The Convener: Do you have any specific points or questions for the witnesses?

Margo MacDonald: Would the witnesses like to respond to my points? No one has yet said why cities should not be seen as having different histories and geographies and why, therefore, they should not take different approaches to developing their strategies.

Ann Hamilton: Someone who has just come back from Utrecht told me that the city has major

difficulties in its tolerance zone. The city has taken the concept of tolerance zones further—cubicles are made available for people to have sex in. All the prostitution activity is supposed to happen within a particular area, which I think is an old bus station.

Margo MacDonald: It is an industrial estate.

16:45

Ann Hamilton: Right, but there are major concerns about that. Very few of the women who are supposed to register actually do so. A great deal of illegal prostitution is happening on the periphery.

As for the difference between cities, all of us are committed to harm reduction—we are clear that the position of women is paramount. In Glasgow, we have developed a different approach; as we do not accept that prostitution is inevitable, we do not think that we should manage prostitution or just make women feel a bit safer, especially if we acknowledge that their mental health is being affected in the long term.

Recently, a delegation from Aberdeen came to Glasgow. I did not get the impression that the people from Aberdeen were keen on establishing a formal tolerance zone. They accept, however, that they have an area in which prostitution is happening and are beginning to develop a drop-in service for women, which is obviously much needed.

Mike McCarron: Could I make a general point? Around the tolerance zone is a notion about decriminalising. It is about—

Margo MacDonald: Not prosecuting the women.

Mike McCarron: That is right; it is about not prosecuting them. It is extremely welcome that we are beginning to focus on the huge inequality of criminalising women in what is a two-way process. Legal reform is not the task of the Local Government and Transport Committee, but the issue is to be considered by the expert group. It is absolutely critical to get legal equality for women in respect of prostitution.

If in Scotland we can learn from what is happening across the world and do something that is helpful to women, we may be able to alter the context in which issues such as tolerance zones and support for women are considered. Even in the context of tolerance zones, it could be invidious if all the things that Margo MacDonald has spoken of came about, especially if the women outwith the tolerance zones found that the law came down on them with a double ton of bricks because they had not played the game. That is not the world in which we need to work.

Legal reform is critical if we are to begin to get a framework in which women are offered support equally in cities across the country.

The Convener: I will take one final question from David Mundell.

David Mundell: My question is a repeat of the question that I think Sylvia Jackson asked, on which we seem to have gone round and round. I hear what the witnesses are saying and I understand why Ann Hamilton talked about wanting to maximise funding. In a way, Sue Laughlin was saying what people want to hear—people want to hear that prostitution can be ended, but whether they really believe that it can be is a different matter.

Is what you are offering in Glasgow not just a difference of emphasis? You are offering not a clampdown on prostitution or a vigorous enforcement of the law, but a larger, more informal tolerance zone. It troubles me that you appear to present what you are offering as something that is starkly different when that is not the case.

Ann Hamilton: The analysis is different, as is the framework. The police would say that nowadays there is very little by way of sensitive policing. I think that you will find that women are being charged with soliciting, both in the city centre and in the east end of the city. Men are also being charged where they can be charged. That said, the powers to charge men are fewer, which is one of the issues.

I know that it can be difficult to understand what we are saying. We do not think that we have an unofficial tolerance zone; we believe that we are taking a pragmatic approach to the problem of prostitution in the city centre and in the east end of the city. We are trying to respond to that problem. Our long-term response is to reduce and get rid of the prostitution and to make it unacceptable. We want to stop women becoming involved in prostitution and support them to exit it. That is a different way of looking at the issue from the approach that says that we are always going to have the problem and therefore we should find the best means of managing it.

The Convener: That brings us to the end of what has been an extensive evidence-taking session. I thank members and our three witnesses for their contributions this afternoon. We will now move into private session.

Margo MacDonald: Are you throwing us out?

The Convener: Yes, we are going to throw you out, Margo.

16:50

Meeting continued in private until 18:05.

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